

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF ILLINOIS

ADRIAN BUFORD WADE,

Plaintiff,

vs.

ROBERT HAIDA, *et al.*,

Defendants.

Case No. 13-cv-769-JPG-PMF

MEMORANDUM AND ORDER

Before the Court is the “Suggestion of Death” (Doc. 18) filed by defendants Kenneth Clayton and Philips McLaurin on October 2, 2013, indicating the death of plaintiff Adrian Buford Wade on September 11, 2013. On October 7, 2013, the Court entered an order (Doc. 19) (1) giving leave for Wade’s successor(s) or representative(s) to file a motion for substitution within 90 days pursuant to Federal Rule of Civil Procedure 25(a)(1); and (2) directing the Clerk of Court to mail a copy of the order to “Next of Kin of Adrian Buford Wade” at Wade’s last known address.

Federal Rule of Civil Procedure 15 provides that upon the death of a party, if the claim is not extinguished, there may be a substitution of parties, made by any party or by the decedent’s successor or representative. Fed. R. Civ. P. 25(a)(1). A motion for substitution must be made within 90 days after the death is suggested upon the record or the action must be dismissed. *Id.* Wade’s successor(s) or representative(s) have failed to file such a motion. Accordingly, this case is

DISMISSED without prejudice.

IT IS SO ORDERED.

DATED: January 28, 2014

s/ J. Phil Gilbert
J. PHIL GILBERT
DISTRICT JUDGE